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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,759	01/31/2006	George Marmaropoulos	US030262US	6057

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

CHAMBERS, TRAVIS SLOAN

ART UNIT	PAPER NUMBER
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2833

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/566,759

Applicant(s)

MARMAROPOULOS ET AL.

Examiner

Travis Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 13-19 and 24 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 and 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13-19 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/31/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/31/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of (claims 1-4,13-19 and 24 (Group I)) in Paper No. 2 of Remarks/Arguments is acknowledged. The traversal is seen to be on the ground(s) that the search is not a burden. This is not found persuasive because the restriction is made because the application contains patentably distinct species of the claimed invention *not solely* because the search is a burden. The applicant was then reminded that if the applicant wishes to traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record.

The MPEP requires that the examiner "...must examine..." the application on the merits if two conditions are met; the first condition is "...the search....can be made without a serious burden...". The second condition is "...examination of the entire application can be made without a serious burden...". The MPEP requires not just one condition (i.e. the search), but two conditions (e.g. "...search and examination...").

A key element concerning the "...examination of the entire application..." is if the species are patentably distinct. If the species are not patentably distinct, then the examination may not be a burden. However, if the species are patentably distinct, then the examination is seen to be a burden because of the intricacies associated with the patentably distinct species.

Applicant was advised to "...submit evidence or identify such evidence now of record..." if the species were not patentably distinct in order to make the record clear

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concerning the examination and its associated burden (2nd condition from the MPEP). However, Applicant did not make any attempts to address if the species were or were not patentably distinct. The examination of the distinct species is therefore deemed to be a burden and meets the first and second condition of the restriction section of the MPEP.

- Claims 5-12 and 20-23 are withdrawn by the examiner from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected claims, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 2 of Remarks/Arguments.
- The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

- The following claim(s) is/are objected to because of the noted informalities:

In reference to Claim(s) 1 and 2, it is not clear if the recitation to “a mechanical connection” (claim 2, line 2) is the same as “a mechanical connection” from claim 1, penultimate line. For purposes of examination, it is assumed that the language is intended to mean the same mechanical connection. A examination on the merits (as best understood) is addressed herein.

In reference to Claim(s) 19, it is not clear if applicant is claiming another magnet or if applicant is claiming a material that is capable of being attracted by a magnet. For

purposes of examination, it is assumed that the language is intended to mean the latter.
A examination on the merits (as best understood) is addressed herein.

-- Appropriate response to the above is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 13 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt (5954520).

In reference to claim 1, Schmidt teaches a first portion (near lead line 22; figure 1) comprising a magnet (28; figure 2) with a first magnetic direction and means for forming an electrical connection (element 34 contacting 48 upon installment); and a second portion (near lead line 52; figure 2) comprising means for forming an electrical connection when coupled with the first portion (element 48 contacting 34 upon installment), wherein the first (near lead line 22) and second (near lead line 52) portions form a mechanical connection (upon elements 28 and 44 connecting) and an electrical connection when connected.

In reference to claim 2, Schmidt teaches the first portion (near lead line 22) and second (near lead line 52) portion form a mechanical connection using magnetic attraction generated by the magnet (28 and 44; figure 2).

In reference to claim 3, Schmidt teaches the second portion (near lead line 52) further comprises a magnet (pertaining to 44 of second portion; figure 2) with a second magnetic direction.

In reference to claim 4, Schmidt teaches the electrical connection (upon mating 34 to 48) is aligned by the mechanical connection.

In reference to claim 13, Schmidt teaches the means for forming an electrical connection of the first (near lead line 22) or second (near lead line 52) portion comprises a magnet (22 and 44; figure 2).

In reference to claim 24, Schmidt teaches an interconnect comprising a first portion (near lead line 22) comprising a magnet (pertaining to 30 of first portion; figure 2) with a first magnetic direction and means for forming an electrical connection (element 34 contacting 48 upon installment); and a second portion (near lead line 52; figure 2) comprising means for forming an electrical connection when coupled with the first portion (element 48 contacting 34 upon installment), wherein the first (near lead line 22) and second (near lead line 52) portions form a mechanical connection (upon elements 28 and 44 connecting) and an electrical connection when connected.

Claims 14, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by T.T. Greenwood (1827940).

In reference to claim 14, Greenwood teaches a first portion (14, 28; page 2, line 43; figure 2) comprising an electromagnet (near lead line 28 and 30; figure 2) and means for forming an electrical connection (upon connection of 10 and 12; figure 2); a means (column 2, line 62; through 14 and 16; figure 2) for supplying current (column 2, line 67) to the electromagnet (near lead line 28 and 30); and a second portion (16, 30; page 2, line 43; figure 2) comprising means for forming an electrical connection (upon connection of 10 and 12; figure 2) when coupled with the first portion (22), wherein the first (14) and second (16) portions form a mechanical connection upon the electromagnet (near lead line 28 and 30) receiving current and further form an electrical connection when mechanically connected.

In reference to claim 17, Greenwood teaches the second portion (16; figure 2) further comprises a magnet (pertaining to 30; figure 2).

In reference to claim 18, Greenwood teaches the magnet (pertaining to 30; figure 2) is an electromagnet.

In reference to claim 19, Greenwood teaches the second portion (16, 30; figure 2) comprises a substance (ferrite metal) attracted by a magnet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over T.T. Greenwood (1827940) in view of Tilbury et al. (6561814).

In reference to claim 15, Greenwood shows substantially the invention as claimed.

However Greenwood does not teach the means for supplying current further comprises an electronic device.

Tilbury teaches of an electronic device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of Tilbury for the invention of Greenwood with element 20; figure 1 of Tilbury supplying the current.

One skilled in the art would have been motivated to use the teachings of Greenwood because, as taught by Greenwood (page 2, line(s) 14-69) it provides better connection between contact members enabling them to overcome repelling forces produced by the current and maintain connection.

In reference to claim 16, Greenwood shows substantially the invention as claimed.

However, Greenwood does not teach the electronic device is a wearable electronic device.

Tilbury teaches the electronic device is a wearable electronic device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of Tilbury.

One skilled in the art would have been motivated to use the teachings of Tilbury because, as taught by Tilbury (Col. 1, lines 1-2), .it allows better accessibility and convenience to preferred electronic devices.

Conclusion

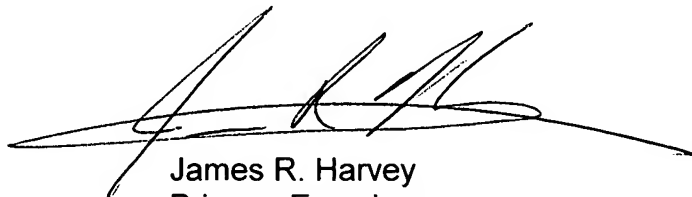
The prior listed on PTO form 892 that is made of record is considered pertinent to applicant's disclosure because it shows the state of the art with respect to applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis Chambers whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Travis Chambers
TC
12/19/2006



James R. Harvey
Primary Examiner